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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CEDRIC DE LISSER, CHRISTOPHER MOSER,)
And MICHAEL MICHELIN, in their capacity as)
the Trustees of the Cred Liquidation Trust,)

Plaintiffs,)

v.)

LOCKTON INSURANCE COMPANY LLC,)
d/b/a LOCKTON INSURANCE BROKERS LLC,)
a Missouri limited liability company; LOCKTON)
COMPANIES, LLC- PACIFIC SERIES, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; and DOES 1-)
10, inclusive.)

Defendants.)

Case No. 4:23-cv-00243

**[Removal from Superior Court of California,
County of San Francisco, Case No.
CGC-22603638]**

**STIPULATION REGARDING BRIEFING
SCHEDULES AND RELATED ISSUES**

AS MODIFIED

State Action Filed: December 22, 2022

Pursuant to Civil Local Rules 6-1(a) and 7-12, Plaintiffs Cedric De Lisser, Christopher Moser, and Michael Michelin, in their capacity as the Trustees of the Cred Liquidation Trust (collectively “Plaintiffs”) and Defendants Lockton Companies LLC, d/b/a Lockton Insurance Brokers LLC and Lockton Companies, LLC- Pacific Series, d/b/a Lockton Insurance Brokers LLC, (together “Defendants”), through their respective undersigned counsel, hereby stipulate as follows:

WHEREAS, Plaintiffs commenced this litigation against Defendants in the Superior Court of California, County of San Francisco (the “State Court”), by complaint docketed on December 22, 2022¹;

WHEREAS, Plaintiffs filed an amended complaint (the “Amended Complaint”) which was docketed with a filing date of January 17, 2023 (the “Action”)²;

WHEREAS, the caption of the Amended Complaint corrected the name of one of the defendants from Lockton Insurance Company LLC to Lockton Companies LLC and made other minor corresponding changes to the original complaint;

WHEREAS, on January 18, 2023, Defendants removed the Action from the State Court to this Court by allegedly invoking 28 U.S. C. §§ 1334(b), 1446 and 1452(a)); and

WHEREAS, the parties have conferred and, in an effort to achieve efficiency and conserve judicial resources, reached an agreement concerning the inclusion in this Court’s record of the Amended Complaint, the issuance of a summons, and deadlines governing the parties’ anticipated forthcoming motions;

WHEREFORE, IT IS HEREBY STIPULATED PURSUANT TO CIVIL LOCAL RULES 6-1(a) AND 7-12 THAT:

1. Defendants will update the record related to the Action to include the State Court docket entry for the Amended Complaint, which entry pre-dated the removal, but which was not on the State Court electronic docket on or about the time of the removal;
2. After completion of 1. above, the case caption for the Action will be modified to comport with the caption on the Amended Complaint with the parties listed as follow

¹ After Defendants filed the Notice of Removal, Plaintiffs informed Defendants this complaint was filed on December 19, 2022.

² After Defendants filed the Notice of Removal, Plaintiffs informed Defendants this Amended Complaint was filed on January 9, 2023.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CEDRIC DE LISSER, CHRISTOPHER MOSER,)
And MICHAEL MICHELIN, in their capacity as)
the Trustees of the Cred Liquidation Trust,)

Case No. 4:23-cv-00243

Plaintiffs,

v.

State Action Filed: December 22, 2022

LOCKTON COMPANIES LLC, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; LOCKTON)
COMPANIES, LLC- PACIFIC SERIES, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; and DOES 1-)
10, inclusive.)

Defendants.)

-
3. Plaintiffs will submit to the clerk of this Court a summons for issuance based on the Amended Complaint and such submission will continue to reserve all rights of Plaintiffs to contest removal and seek remand;
 4. By midnight Pacific Time on February 17, 2023, Plaintiffs will, either (i) file their motion to remand and/or to abstain, or (ii) inform Defendants that they do not intend to so move;
 5. If Plaintiffs move to remand and/or to abstain, by midnight Pacific Time for all of the following (i) Defendants' motions to dismiss would be due three weeks following the Court's order resolving Plaintiffs' motion to remand and/or abstain; (ii) Plaintiffs' oppositions to such motions to dismiss will be due three weeks from the filing of such motions; (iii) Defendants' replies in support of such motions to dismiss will be due one week after the filing of such oppositions, and (iv) any hearing on such motions to dismiss will take place at least seven days after the filing of the reply briefs;
 6. If Plaintiffs decide not to move to remand or to abstain, (i) Defendants' motions to dismiss will be due on March 10, 2023; (ii) Plaintiffs' oppositions to such motions to dismiss will be

1 due on March 31, 2023; (iii) Defendants' replies in support of such motions to dismiss would
2 be due on April 7, 2023 and (iv) any hearing on such motions to dismiss will take place at
3 least **fourteen** days after the filing of the reply briefs;

- 4 7. Except for the matters expressly stated herein, this Stipulation shall be without prejudice to
5 any party with respect to any position, argument, or objection in this case whatsoever,
6 including, but not limited to, those relating to subject matter jurisdiction, abstention under 28
7 U.S.C. § 1334, or equitable remand under 28 § U.S.C. 1452(b) , all of which are expressly
8 preserved;
- 9 8. Nothing shall prevent the parties together or Plaintiffs or Defendants, individually, from
10 seeking a further extension of a deadline from this Court, though each party reserves the right
11 to object to any such extension.

12 IT IS SO STIPULATED

13 Dated: January 26, 2023

Respectfully submitted,

GLUCK DANIEL ATKINSON LLP

/s/ Craig C. Daniel

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*Special Counsel to Trustees of the Cred Inc.
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Dated: January 26, 2023

Respectfully submitted,

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Series*

[PROPOSED] ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

SO ORDERED this 30th Day of January, 2023.

UNITED STATES MAGISTRATE JUDGE